

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re: Automotive Parts Antitrust Litigation

In re: Wire Harnesses

This document relates to:
Truck and Equipment Dealer Cases

Master File No. 12-md-02311

Rush Truck Centers of Arizona, et. al.,

Plaintiffs,

v.

Denso Corp., et. al.

Defendants

Honorable Marianne O. Battani

No. 2:14-cv-14451

**STIPULATION AND ORDER REGARDING CERTAIN STATE LAW CLAIMS IN
TRUCK AND EQUIPMENT DEALERS COMPLAINT**

WHEREAS, Plaintiffs (collectively, “Plaintiffs”) in the case styled *Rush Truck Centers of Arizona, et. al. v. Denso Corp., et. al.*, filed at 2:14-cv-14451 (the “Truck and Equipment Dealers Action”), filed a Complaint (the “Complaint”) alleging that the Defendants named in the Complaint violated federal antitrust laws and state antitrust, unfair competition, consumer protection and/or unjust enrichment laws in connection with sales of wire harnesses and related parts;

WHEREAS, Plaintiffs in the Truck and Equipment Dealers Action (“Plaintiffs”) assert certain claims that are substantially similar to claims dismissed in whole or in part by this Court in *In Re Bearings* (see Opinion and Order Granting in Part and Denying in Part Defendants’ Collective Motion to Dismiss Indirect Purchaser Actions (ECF No. 104 in 2:12-cv-502)); *In Re: Instrument Panel Clusters* (see Opinion and Order Granting in Part and Denying in Part

Defendants’ Collective Motion to Dismiss Indirect Purchaser Actions (ECF No. 82 in 2:12-cv-202)); *In Re: Fuel Senders* (see Opinion and Order Granting in Part and Denying in Part Collective Defendants’ Motion to Dismiss Indirect Purchaser Actions (ECF No. 104 in 2:12-cv-302); *In Re: Heater Control Panels* (see Opinion and Order Granting in Part and Denying in Part Collective Defendants’ Motion to Dismiss Indirect Purchaser Actions (ECF No. 130 in 2:12-cv-402); and in *In Re: Wire Harness* (see Opinion and Order Granting in Part and Denying in Part Collective Defendants’ Motion to Dismiss Indirect Purchaser Actions (ECF No. 119 in 2:12-cv-102)) (the “Subject State Law Claims”);

WHEREAS, the parties would like to resolve the Subject State Law Claims without burdening the Court with further motion practice but preserve Plaintiffs’ right to appeal the dismissal thereof.

NOW THEREFORE Plaintiffs and Defendants stipulate that:

1. Under the laws of Arizona, Iowa, Kansas, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, North Dakota, and South Dakota, Plaintiffs assert only antitrust claims (under Count II) and unjust enrichment claims (under Count III) and no other state law claims.
2. Plaintiffs’ antitrust claim brought under the laws of New Hampshire prior to January 1, 2008 (paragraph 274 of the Complaint) and Utah prior to May 1, 2006 (paragraph 283 of the Complaint), as well as Plaintiffs’ consumer protection claim brought under the laws of South Carolina (paragraph 280 of the Complaint) are hereby dismissed with prejudice and Plaintiffs retain all rights of appeal with respect to these claims.

3. Plaintiffs' antitrust claim under the laws of Utah is brought pursuant to Utah Code Annotated §§ 76-10-3101, *et. seq.*, not Utah Code Annotated §§ 76-10-911, *et. seq.*, as stated in the Complaint.

4. Nothing in this stipulation shall be read to limit or prohibit Defendants from filing any dispositive motions under the Federal Rules of Civil Procedure or asserting any other defenses against any of the claims remaining in the Complaint or alleged in any subsequent amended and/or consolidated complaint that may be filed by Plaintiffs. Defendants agree, however, that Plaintiffs have not waived their rights of appeal with respect to the claims dismissed in enumerated paragraph 2 as provided therein.

SO ORDERED.

Date: April 20, 2015

s/Marianne O. Battani
MARIANNE O. BATTANI
United States District Judge

SO STIPULATED:

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